

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 11 CIV 4985 (PGG)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

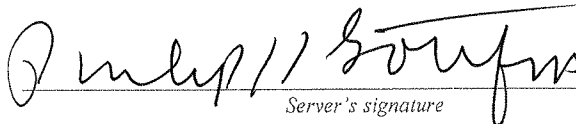
☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: On February 10, 2012, I served the Summons and Third Amended Complaint by e-mail on
Suzan Jo, Esq., who represented that she was authorized to accept service on behalf of The Bon-Ton Stores, Inc.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: February 13, 2012



Server's signature

Philip H. Gottfried, Esq.

Printed name and title

Amster, Rothstein & Ebenstein LLP
90 Park Avenue, 21st Floor
New York, NY 10016

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

KLAUBER BROTHERS, INC.

Plaintiff

v.

RUSSELL-NEWMAN, INC. and
THE BON-TON STORES, INC.

Defendant

Civil Action No. 11 CIV 4985 (PGG)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* The Bon-Ton Stores, Inc.
2801 East Market Street
York, Pennsylvania 17402

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Philip H. Gottfried, Esq.
Amster, Rothstein & Ebenstein LLP
90 Park Avenue, 21st Floor
New York, NY 10016

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

FEB 02 2012

Date: _____

RUBY J. KRAJICK

CLERK OF COURT

[Handwritten signature]

Signature of Clerk or Deputy Clerk